



#14

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Applicants : John Leroy Silvers  
Serial No : 09/120,448  
Filed : July 22, 1998  
Title of Invention : "System and Method of Disharmonic Frequency Multiplexing"  
Art Unit : 2664  
Examiner : K. Yao  
Attorney Docket No : 4191-001

Hon. Commissioner of Patent and Trademarks

Fee Amendment

Washington, D.C. 20231

**Petition Requesting Entry of Amendment With  
Payment of Issue Fee Pursuant to 37 CFR 1.312**

Dear Sir:

Pursuant to 37 CFR 1.312, Applicant hereby petitions for entry of an Amendment with payment of the Issue Fee. In reviewing the Notice of Allowability, applicant's attorney observed a typographical error in the Title of the Invention. More specifically, the Title is erroneously spelled as "Ystem and Metrod. . ." instead of "System and Method. . ." This appears to be a clerical error on the part of the PTO, as all paperwork filed on behalf of Applicant indicates the correct Title.

Upon further investigation, Applicant's attorney noted that an individual is erroneously listed as a co-inventor on the PTO Filing Receipt. However, Applicant's originally-filed Declaration, as well as a newly-executed Declaration, both list only one, sole inventor—John Leroy Silvers. This also appears to be a clerical error on the part of the PTO.

The purpose of Applicant's Amendment with Payment of Issue Fee is to ensure that the

12/21/2001 MBERME 00000086 082776 09120448  
01 FC:122 130.00 CH

patent issues with the correct Title and Inventorship information. The proposed "corrections" address what appear to be mere clerical errors, and are consistent with documents that have been previously filed by Applicant. To summarize, favorable action on this Petition is earnestly solicited.

Dated: December 19, 2001

Respectfully submitted,



Steven R. Bartholomew  
Reg. No. 34,771  
Hopgood, Calimafde, Judlowe &  
Mondolino, LLP  
The Lincoln Building  
60 East 42<sup>nd</sup> Street  
Suite 4100  
New York, NY 10165  
Telephone: 212-551-5002  
Fax No.: 212-949-9623

**POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence and correspondence address, and citizenship, are as stated below next to my name and signature.

I believe that I am the original, first and sole inventor (if only one name is below) or joint inventor (if more than one name is below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD OF DISHARMONIC FREQUENCY MULTIPLEXING**

the specification of which was filed July 22, 1998 and assigned serial number 09/120,448.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**Priority Claim:** I hereby claim priority under 35 U.S.C. § 119, § 120, § 121 and/or § 365 as applicable to the following application(s):

Country	Application No:	Date of filing	Priority Claimed
United States	60/061,335	October 7, 1997	Yes

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith: Steven R. Bartholomew, Reg. No. 34,771.

SEND CORRESPONDENCE TO:

Steven R. Bartholomew  
Hugood, Calimardo, Judilow & Mondolino, L.L.P.  
60 East 42nd Street  
New York, New York 10165

DIRECT TELEPHONE CALLS TO:

Steven Bartholomew  
(212) 551-5000 ext. 4102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: John Leroy Silvers

Inventor's Signature

Citizenship

Correspondence Address

Residence:



Date:

November 8, 2001

United States of America

105 NW 64<sup>TH</sup> Ave, Miami Florida 33126-4540

105 NW 64<sup>TH</sup> Ave, Miami Florida 33126-4540



7

MATCH & RETURN

Please type a plus sign inside this box → +

PTO/SB/69 (12-97)

Approved for use through 8/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION ROUTING SLIP

(Find the petition from the list and check the box in the heading above the petition)

### Complete If Known

Application Number	09/120,448
Filing Date	July 22, 1998
First Named Inventor	John Leroy Silvers
Group Art Unit	2664
Examiner Name	K. Yao
Attorney Docket Number	4191-001

#### PETITIONS DECIDED BY PETITIONS OFFICE

- 301 Relating to Public Use Proceedings (37 CFR 1.292)
- 302 To make application special - prospective manufacture (37 CFR 1.102, MPEP 708.02)
- 303 To make special - infringement (37 CFR 1.102, MPEP 108.02)
- 304 Relating to the Filing/Issuance of Divisional Release (37 CFR 1.177)
- 305 To waive or suspend rules (37 CFR 1.183)
- 306 To expunge a paper from patent application or patent file (37 CFR 1.59)
- 307 Withdrawal of Attorney (37 CFR 1.56)
- 308 For access to application except proceedings before Board (37 CFR 1.14, MPEP 103,104)
- 309 Relating to Small Entity (37 CFR 1.28)
- 310 Relating to reexamination (37 CFR 1.181-1.183)
- 311 For correction of inventorship for applications - no filing date (37 CFR 1.48)
- 312 For correction of inventorship re PCT applications (37 CFR 1.48)
- 313 For filing application without one or more inventors (37 CFR 1.47)
- 314 For filing PCT application without one or more inventors (37 CFR 1.47)
- 315 For extension of time without fee in cases in Application Division (37 CFR 1.136(b))
- 390 For matters before A/C for Patents - not specified
- 408 Relating to a filing date under 35 USC 111& 37 CFR 1.53
- 411 Filing date for application filed by Express Mail (37 CFR 1.10)
- 412 Filing date for lost application
- 501 To revive an abandoned application - unavoidable delay (37 CFR 1.137(e))
- 502 To revive an abandoned application - unintentional abandonment (37 CFR 1.137(b))
- 503 To waive/suspend rules (37 CFR 1.183)
- 504 To invoke supervisory authority - re patent examining operations (37 CFR 1.181)
- 505 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)-1-4)
- 506 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)) or abandon application in favor of continuing application
- 507 To enter priority papers after issue fee payment (37 CFR 1.55(e))
- 508 To defer issuance of patent (37 CFR 1.514)
- 515 To invoke supervisory authority - re Office of Admin. (37 CFR 1.181)
- 516 To waive/suspend rules re patent matters in Office of Admin. (37 CFR 1.183)
- 519 To decide matter before Deputy A/C for Patents under 37 CFR 1.182
- 521 To review refusal to accept & record maintenance fee - application filed on or after 8/27/82 (37 CFR 1.377)
- 523 To issue patent in the name of the Assignee (37 CFR 1.334(c))
- 525 To withdraw a holding of abandonment (37 CFR 1.181)
- 526 To order a Commissioner-Initiated Reexamination proceeding (37 CFR 1.520)
- 527 To convert Provisional Application
- 528 To reinstate abandoned Provisional Application
- 530 PCT petition-unallowable
- 531 PCT petition-unintentional
- 532 To accept unavoidably delayed payment of maintenance fee (37 CFR 1.378 (b))
- 533 To accept unintentionally delayed payment of maintenance fee (37 CFR 1.378 (c))
- 534 Petitions related to reexamination proceedings
- 599 For matters before the Deputy A/C for Patents - not specified

#### PETITIONS DECIDED BY THE GROUP DIRECTOR

- 601 To make application special on ground of age or health (37 CFR 1.102, MPEP 708.02)
- 602 To make special - continuity of earlier application (37 CFR 1.102, MPEP 708.02)
- 603 To make special - environment quality program (37 CFR 1.102, MPEP 708.02)
- 604 To make special - accelerated examination (37 CFR 1.102, MPEP 708.02)
- 605 To make special - Energy Program (37 CFR 1.102, MPEP 708.02)
- 606 To make special - Recombinant DNA (37 CFR 1.102, MPEP 708.02)
- 607 To make special for reasons not provided for in codes 601-606 (37 CFR 1.102, MPEP 708.02)
- 608 To reopen prosecution after Board decision (37 CFR 1.188)
- 609 For review of final rejection requirement (37 CFR 1.144)
- 610 Inviting Authority of Commissioner under 37 CFR 1.181 not specified in codes
- 611 Relating to the prematurity of final rejection (37 CFR 1.181, MPEP 708.07(c))
- 612 Relating to the refusal to enter an amendment (37 CFR 1.181 & 1.127, MPEP 714.19)
- 613 To withdraw a holding of abandonment (37 CFR 1.137, MPEP 711.03)
- 614 Relating to a requirement to cancel new matter from application (37 CFR 1.181, MPEP 603.04(c))
- 615 Relating to formal sufficiency/properity of affidavits (37 CFR 1.131, 1.132, 1.108, MPEP 715.07)
- 616 To institute an Interference (37 CFR 1.606)
- 617 Relating to refusal to enter an amendment under 37 CFR 1.312
- 618 For concurrent Ex parte and Inter parts proceedings (37 CFR 1.212)
- 619 For return of original copy of patent application (MPEP 604.04(a))
- 620 For extension of time (37 CFR 1.136(b))
- 621 For interview after Notice of Allowance mailed (MPEP 713.10)
- 622 Concerning appeal application before transfer of jurisdiction to Board (MPEP 1206)
- 623 For second or subsequent suspension of action (37 CFR 1.103, MPEP 709)
- 625 To reinstate Appeals dismissed in Group
- 626 From denial of reexamination request (37 CFR 515(c))
- 627 To enter an amendment after payment of issue fee (37 CFR 1.312(b))
- 628 From refusal to issue a Certificate of Correction (37 CFR 1.181, MPEP 1480-1485)
- 629 For withdrawal of attorney from application pending in group (37 CFR 1.36)
- 630 For extension of time in a reexamination (37 CFR 1.550(c))
- 631 To merge multiple reexamination proceedings (37 CFR 1.565(c), MPEP 2263)
- 632 To effect a second conversion of inventorship (37 CFR 1.48, MPEP 201.03)
- 633 Superconductivity
- 634 To correct inventorship in a patent not in interference (37 CFR 1.324, MPEP 1481)
- 635 To change inventorship in an application (37 CFR 1.48)
- 636 To change inventorship in a patent (37 CFR 1.48)
- 637 To withdraw from issue before payment of an issue fee (37 CFR 1.313(e))
- 699 For matters before Group Director - not specified

#### PETITIONS DECIDED BY BOARD OF PATENT APPEALS AND INTERFERENCES

- 701 To exercise supervisory authority re action by examiner/examiner-in-chief (37 CFR 1.644)
- 702 To accept belatedly filed copies of interference settlement agreements (35 USC 135(c), 37 CFR 1.556(c))
- 703 For withdrawal of attorney in proceeding under 37 CFR 1.201 - 1.288 (37 CFR 1.36)
- 704 For access to a settlement agreement under 35 USC 135(c) (37 CFR 1.666(b))
- 705 For access to an application in proceedings before the Board (37 CFR 1.14(e))
- 706 From a refusal to issue a Certificate of Correction (37 CFR 1.322, 1.323)
- 707 To correct errors in inventorship (37 CFR 1.324)
- 708 For extension of time to file amendment under 37 CFR 1.198(b) (37 CFR 1.136)
- 709 To make an application before the Board special (37 CFR 1.102)
- 710 For extension of time to file supplemental Reply Brief (37 CFR 1.136)
- 711 To assign particular members to hearing or to request augmented panel (35 USC 7)
- 712 To decide miscellaneous questions in proceedings under 37 CFR 1.601-1.688
- 713 To accept priority papers in applications in interference (37 CFR 1.644)
- 714 To reinstate an Appeal
- 799 For matters before Chairman of Board - not specified
- 801 To make an application before the Board special (37 CFR 1.102)
- 802 To reinstate an Appeal
- 803 To extend time/suspend proceedings (37 CFR 1.196, 1.197, 1.304)
- 804 For extension of time to file supplemental Reply Brief (37 CFR 1.136)
- 805 To accept late request for an Oral Hearing (37 CFR 1.136)
- 899 For matters before the Clerk of the Board - not specified

#### PETITIONS DECIDED BY SPECIAL LAWS (SECURITY AND GOVERNMENT INTEREST MATTERS)

- 901 Under 42 USC 2182
- 902 Under 42 USC 2457
- 903 Under 35 USC 184
- 904 Under 35 USC 287
- 905 To consider/review security or Government Interest matters - not specified

- PETITIONS DECIDED BY THE SOLICITOR
- 951 Petitions for extension of time in court matters 35 USC 142, 145, 146
- 952 Petitions relating to ex parte questions in cases before the Court of Appeals for the Federal Circuit
- 953 Requests filed under the Freedom of Information Act
- 955 Not specified

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.